



Municipal Clerk
Atlanta, Georgia

04-0-1840

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-115
Date Filed: 9-14-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1096 Custer Avenue, S.E.** be changed from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 9, 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

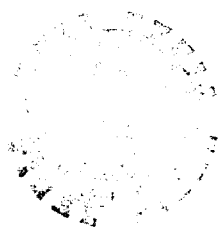
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

DEC 06, 2004
DEC 10, 2004



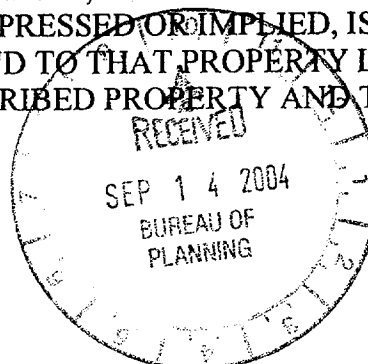
Conditions for Z-04-115
1096 Custer Avenue, SE

1. **APPROVAL** conditioned on a site plan entitled "City of Atlanta Residential Re-zoning exhibit for APD Custom Homes No. 1096 Custer Avenue" prepared by Grant Shepherd & Associates, Inc and marked received by the Bureau of Planning November 1 2004.
2. The project will include 19 homes.
3. The rear of the property follows the centerline of Entrenchment Creek. There will be a 75 foot undisturbed buffer from the creek.
4. The .3 acres of land on the site which lie within the 100 year flood plane will be designated common area and green space.
5. There will be a singular, two-way point of ingress and egress onto Custer Av.
6. There will be no gate at the point of ingress and egress.
7. There will be no monuments anywhere within the development, including the point of ingress and egress.
8. All home styles will be tri-level with interior square footage ranging from 1,825 to 2,310 square feet of livable space.
9. Homes on the eastern side of the development will have private driveways and 400 square foot, attached, two-car garages.
10. Homes on the western side of the development will have a driveway with interior parking to the rear of the homes.
11. All lots will have front and rear yard setbacks of 15 feet and side yard setbacks of 5 feet.
12. There will be a 15 foot buffer between homes located on the southern side of the development and abutting properties fronting on Woodland Ave.

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 9 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF CUSTER AVENUE (A 50 FOOT RIGHT OF WAY) AT THE SOUTHEAST CORNER OF PROPERTY CONVEYED BY MRS. (ALMA C.) L.J. CRANE TO GLORIA WARREN JOHNSTON AND R. BRYAN BELL BY WARRANTY DEED DATED AUGUST 8, 1952, RECORDED IN DEED BOOK 2768, PAGE 186, FULTON COUNTY, GEORGIA RECORDS, SAID POINT BEING 190 FEET SOUTHEASTERLY, AS MEASURED ALONG THE NORTHEASTERLY SIDE OF CUSTER AVENUE FROM ITS INTERSECTION WITH THE EASTERLY SIDE OF WOODLAND AVENUE TO AN IRON PIN FOUND; THENCE SOUTH 77 DEGREES 29 MINUTES 42 SECONDS EAST A DISTANCE OF 180 FEET ALONG THE NORTHEASTERLY SIDE OF CUSTER AVENUE TO AN IRON PIN SET AND CONTINUING SOUTH 78 DEGREES 47 MINUTES 08 SECONDS EAST A DISTANCE OF 1.2 FEET ALONG THE NORTHEASTERLY SIDE OF CUSTER AVENUE TO A ½ INCH REBAR FOUND AT THE SOUTHEASTERN CORNER OF PROPERTY CONVEYED TO MRS. ALMA C. (L.G.) CRANE BY WARRANTY DEED DATED MARCH 11, 1936, RECORDED IN DEED BOOK 1625, PAGE 301, FULTON COUNTY, GEORGIA RECORDS AND CONTINUING SOUTH 78 DEGREES 47 MINUTES 08 SECONDS EAST A DISTANCE OF 106.2 FEET ALONG THE NORTHEASTERLY SIDE OF CUSTER AVENUE TO A ½ INCH REBAR FOUND; THENCE NORTH 04 DEGREES 03 MINUTES 18 SECONDS EAST A DISTANCE OF 365.9 FEET TO AN IRON PIN FOUND; THENCE NORTH 88 DEGREES 42 MINUTES 41 SECONDS WEST A DISTANCE OF 46 FEET TO AN IRON PIN SET; THENCE NORTH 05 DEGREES 04 MINUTES 48 SECONDS EAST A DISTANCE OF 347.5 FEET, MORE OR LESS, TO THE SOUTH SIDE OF ENTRENCHMENT CREEK; THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF SAID CREEK A DISTANCE OF 240 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE PROPERTY CONVEYED TO GLORIA WARREN JOHNSTON AND R. BRYAN BELL AS HEREIN ABOVE REFERENCED; THENCE SOUTH 05 DEGREES 30 MINUTES 30 SECONDS WEST ALONG THE EASTERLY LINE OF SAID JOHNSTON AND BELL PROPERTY A DISTANCE OF 665 FEET, MORE OR LESS, TO THE NORTHEASTERLY SIDE OF CUSTER AVENUE AND THE POINT OF BEGINNING, BEING IMPROVED PROPERTIES KNOWN AS 1096 CUSTER AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA, GEORGIA, THIS BEING THE SAME PROPERTY CONVEYED TO MRS. ALMA C. (L.G.) CRANE BY WARRANTY DEEDS RECORDED IN DEED BOOK 1625, PAGE 301, DEED BOOK 1887, PAGE 125, AND DEED BOOK 1893, PAGE 418, FULTON COUNTY, GEORGIA RECORDS, LESS AND EXCEPT THAT PROPERTY CONVEYED TO JOHNSTON AND BELL BY WARRANTY DEED RECORDED IN DEED BOOK 2768, PAGE 186, AFORESAID RECORDS, AND INCLUDING 1100 CUSTER AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA, GEORGIA, AND INCLUDING 1102 CUSTER AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA, GEORGIA, ALSO CONVEYED HERewith, BUT WITHOUT ANY WARRANTY, EITHER EXPRESSED OR IMPLIED, IS ALL RIGHT, TITLE, AND INTEREST OF GRANTORS, IF ANY, IN AND TO THAT PROPERTY LYING BETWEEN THE NORTHERLY LINE OF THE ABOVE DESCRIBED PROPERTY AND THE CENTERLINE OF THE ENTRENCHMENT CREEK.



2-04-115

RCS# 6314
12/06/04
5:30 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-1830 04-O-1840 04-O-1132 04-O-1406
04-O-1641 04-O-1849 04-O-1301, 1410 1839
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	NV Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

MULTIPLE

04-0-1840

(Do Not Write Above This Line)

AN ORDINANCE Z-04-115
BY: ZONING COMMITTEE

A 1 Ordinance to rezone from the R-4
(Single-Family Residential) District to the
PD-H (Planned Development-Housing)
District, property located at 1096 Custer
Avenue, S.E. fronting 322.48 feet on the
north side of Custer Avenue beginning 190
feet east from the northeast corner of
Woodland Avenue. Depth: Varies; Area:
4.1906 acres; Land Lot 9, 14th District,
Fulton County, Georgia.

OWNER: APD CUSTOM HOMES, INC.
APPLICANT: APD CUSTOM HOMES, INC.
BY: CAROLYN "KITTY" PARKS, AGENT
APD W COUNCIL DISTRICT 1

AS AMENDED

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 10-18-2004

Referred To: ZRB & Zoning

Date Referred

Referred To: ADOPTED BY

Date Referred

Referred To: DEC 06 2004

First Reading

Committee
Date 12-06-2004
Chair
Referred To: ZONING

Committee
Date 12-06-2004
Chair
Referred To: ZONING

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- ☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

DEC 06 2004

ATLANTA-GEORGIA

ATLANTA-GEORGIA

MAYOR'S ACTION

Mayor's Signature

MAYOR

COUNCIL